THE HON'BLE MS. JUSTICE G. ROHINI

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WRIT PETITION No. 12833 of 2005

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DATED: 04-10-2005

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Between:

Ravalla Venkateswarlu,

Son of Subbaiah, Hindu,

Aged about 60 years, Occ: Agjril.

Resident of Kattavaripalem,

Kondapi Mandal, Prakasham District ……Petitioner

AND

1.The Assistant Commissioner of

Endowments, Ongole,

Prakasham District and two others ….Respondents

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WRIT PETITION No. 12833 of 2005

ORDER:

When the vacate petition filed by the 2nd respondent is listed for hearing, with the consent of both the parties, the main writ petition itself is heard and decided.

The writ petition is filed seeking a declaration that the auction conducted by the 2nd respondent-temple in respect of the leasehold rights of the land situated in S.No.584 of Kondapi Village and Mandal, Prakasham District as arbitrary and illegal.

Admittedly, the said land belongs to the 2nd respondent temple. The petitioner claims to be the lessee in respect of Ac.4-11 Cents of Kondapi Village. The case of the petitioner is that he is a landless poor within the meaning of section 82 of the Endowments Act and therefore, he is entitled to be continued in possession of the land in question. It is further contended that since there was no enquiry by the first respondent-Assistant Commissioner of Endowments as to the status of the writ petitioner, the 2nd respondent temple is not justified in proposing to conduct the auction under the impugned auction notice.

This Court directed rule nisi by order dated 17-06-2005 and granted interim

stay of all further proceedings in pursuance of the auction held on 21.5.2005. After service of notice, the first respondent-Assistant Commissioner of Endowments as well as the Executive Officer of the 2nd respondent temple filed separate counter-affidavits.

From the said counter-affidavits, it is clear that the petitioner has never chosen to claim that he is a landless poor and as a matter of fact, he has participated in the auction held on 21-05-2005 along with seven others and he has also deposited a sum of Rs.10,000/- as required under the terms of the auction. However, he could not succeed in the auction and the 3rd respondent herein was declared as successful bidder. The Executive Officer of the 2nd respondent temple has also stated in the counter-affidavit that consequent to the auction, the first respondent has confirmed the auction in favour of the 3rd respondent and the same was also approved by the first respondent by proceedings dated 10-06-2005. The possession of the land was also delivered to the third respondent. After that the writ petitioner filed this writ petition on 15-06-2005 and obtained the interim order.

The averments in the counter-affidavits have not been disputed by the petitioner and he has not chosen to file any reply affidavit.

In the light of the unrebutted averments in the counter affidavits, I do not find any substance in the contentions of the writ petitioner. Obviously, the writ petition is nothing but an attempt to stall the further proceedings in pursuance of the auction held on 21.05.2005. The writ petition is misconceived and the same is accordingly dismissed. Needless to mention that the interim order granted on 17-06-2005 shall stand vacated. No costs.

04th October, 2005

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